

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 24, 2007. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 4-7, 14-16, 22, 23, 27, 28, 30, and 32 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Although Applicant agrees that the above-identified claims contains allowable subject matter, Applicant respectfully questions why claims 13, 21, and 25 were not identified as containing allowable subject matter as claim 4. Although claims 13, 21, and 25 are not identical to claim 4, the scope of claims 13, 21, and 25 is similar enough to that of claim 4 for one to assume that claims 13, 21, and 25 would be held to contain allowable subject matter if claim 4 were held to contain allowable subject matter. Furthermore, Applicant respectfully questions why claim 24 was not identified as being allowed given that the scope of claim 24 is similar to claim 28, which was identified as containing allowable subject matter. Applicant respectfully requests clarification on the above points.

II. Claim Rejections - 35 U.S.C. § 101

Claims "20-28" have been rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter.

Regarding claims 20-23 and 28, Applicant has amended the claims such that they are now drawn to a "computer-readable memory". Applicant respectfully submits that such a memory comprises a "manufacture" under 35 U.S.C. § 101.

Regarding claims 24, 25, and 27, Applicant notes that the claims are directed to a "printer". Applicant respectfully submits that such a device comprises a "machine" and/or a "manufacture" under 35 U.S.C. § 101.

In view of the above, Applicant respectfully submits that claims 20-25, 27, and 28 are directed to statutory subject matter as defined by 35 U.S.C. § 101 and therefore respectfully requests that the rejections be withdrawn.

III. Claim Rejections - 35 U.S.C. § 102(e)

Claims 1, 3, 8-13, 17-21, 24, 25, 29, 31, 33, and 34 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Kumada* (U.S. Pat. No. 6,377,355). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Kumada reference. Applicant discusses the Kumada reference and Applicant's claims in the following.

A. The Kumada Disclosure

Kumada discloses a process for checking a color gamut in a host computer. *Kumada*, column 8, lines 5-13. As described by Kumada, a host computer 2 reads color data (RGB data) to be checked. *Kumada*, column 8, lines 14-16. Kumada explicitly states that the RGB data "depends upon characteristics of the color monitor 1." *Kumada*, column 8, lines 16-17. The host computer then converts the RGB data into XYZ data, and then converts the XYZ data into $L^*a^*b^*$ data. *Kumada*, column 8, lines 21-25.

Next, the host computer 2 determines whether the $L^*a^*b^*$ data can be reproduced by a color printer 3. *Kumada*, column 8, lines 25-27. If any of the colors represented by the $L^*a^*b^*$ data cannot be reproduced, the colors are presented in white on the color monitor 1. *Kumada*, column 8, lines 31-33.

B. Applicant's Claims

As is noted above, Kumada fails to teach several of Applicant's claim limitations. Applicant discusses some of those claim limitations in the following. For example, independent claim 1 provides as follows (emphasis added):

1. A method for notifying a user as to an inadequate color gamut, comprising:

responsive to a print command, accessing via a network imaging data to be printed;

identifying colors represented by the imaging data ***from information contained within the imaging data;***

comparing the identified colors with a color gamut of a printing device that is to print the imaging data; and

notifying the user if one or more of the identified colors is not included in the color gamut of the printing device;

wherein the color identification occurs independent of consideration of monitor characteristics.

As a first matter, Kumada does not teach accessing image data to be printed "via a network". In the Office Action, the Examiner states that Kumada teaches a "network" by describing devices that are directly connected to each other. That arrangement is explicitly shown in Kumada's Figure 1, in which a color monitor 1 is connected to a host computer 2, as is a color printer 3. In response, Applicant notes that a host computer with two directly-connected peripherals as described and illustrated by Kumada would clearly not be considered to comprise a "network" within the well-established meaning of the term known to underline persons having ordinary skill in the relevant art. Although the Examiner is entitled to interpret the claim terms broadly during prosecution, the interpretation must always be reasonable.

As a second matter, Kumada does not teach accessing image data to be printed "responsive to a print command". Although Kumada describes a process in which a color gamut is checked, nowhere does Kumada state that the process is performed responsive to any print command. Applicant notes that column 13, lines 46-56, which

were identified in the Office Action, do not mention any such print command or performing any actions responsive to a print command.

As a third matter, Kumada does not teach identifying colors represented by imaging data "from information contained within the imaging data". Column 8, lines 40-47 of the Kumada reference relied upon in the Office Action provide as follows:

Therefore, in a case where the color to be checked is within the color gamut of an output device, such as the color printer 1 or of the color monitor 3, the checked color is faithfully reproduced on the color monitor 1. Whereas in a case where the checked color is outside of the color gamut, the checked color is displayed in white on the color monitor 1 to inform a user, so that the user can recognize which color at which part is outside of the color gamut.

Kumada, column 8, lines 40-47. As can be readily appreciated from the above excerpt, Kumada says nothing about identifying colors represented by imaging data "from information contained within the imaging data". Although Kumada does not explain what information is used to identify the colors, Kumada's failure to actually teach identifying colors represented by imaging data from information contained within the imaging data means that Kumada cannot anticipate Applicant's claim 1 under 35 U.S.C. §102.

As a fourth matter, Kumada does not teach that the color identification occurs "independent of consideration of monitor characteristics". Regarding that limitation, the Office Action again identifies column 8, lines 40-47 of the Kumada reference, which was reproduced above. That excerpt says nothing about identifying color "independent of consideration of monitor characteristics". In fact, Kumada explicitly states that color is identified relative to monitor characteristics. Specifically, Kumada states:

Note that RGB data which ***depends on the characteristics of the color monitor 1***, and defined on the basis of colorimetry (values of chromaticity of R, G, B, and white are definite) is used as the color to be checked.

Kumada, column 8, lines 16-17 (emphasis added). In view of the above excerpt, it is clear that Kumada's color gamut check process described in relation to Figure 9 does take monitor characteristics into consideration because the RGB data "depends on" those characteristics.

Regarding independent claim 12, Kumada at least does not teach means for "accessing via a network imaging data to be printed", means for identifying colors represented by the imaging data "from information contained within the imaging data", or that the means for identifying identifies the colors "independent of characteristics of a monitor used to view the colors" for reasons described above.

Regarding independent claim 20, Kumada at least does not teach logic configured to "access via a network imaging data to be printed", logic configured to identify colors represented by the imaging data "from information contained within the imaging data", or that the logic configured to identify identifies the colors "independent of characteristics of a monitor used to view the colors" for reasons described above.

Regarding independent claim 24, Kumada at least does not teach logic configured to "identify colors represented by the imaging data from information contained within the imaging data" for reasons described above. Perhaps even more significant, however, Kumada does not describe a "printer" that comprises any of the logic described in claim 24 or that hosts anything. As a further matter, Applicant notes

that claim 24 is similar in scope to dependent claim 28, which was identified as containing allowable subject matter.

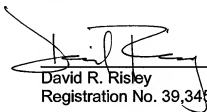
Regarding independent claim 29, Applicant notes that Kumada does not describe a printing device that performs any color gamut determination. Accordingly, Kumada fails to teach each limitation of independent claim 29.

Due to the clear shortcomings of the Kumada reference described in the foregoing, Applicant respectfully asserts that Kumada does not anticipate Applicant's claims. Therefore, Applicant respectfully requests that the rejections of the claims be withdrawn.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



David R. Risley
Registration No. 39,345